

AO93 Search and Seizure Warrant

UNITED STATES DISTRICT COURT
for the
District of Arizona

In the Matter of the Search of
package bearing United Parcel Service tracking number
1Z903Y47039002903

Case No.

303
22-283MB

ELECTRONICALLY ISSUED SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the District of Arizona:

As further described in Attachment A.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal:

As set forth in Attachment B.

YOU ARE COMMANDED to execute this warrant on or before October 18, 2022 (*not to exceed 14 days*)

in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to any United States Magistrate Judge on criminal duty in the District of Arizona.

N/A I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized for 30 days (*not to exceed 30*) until, the facts justifying, the later specific date of _____.

Date and time issued: 10/5/2022 @ 1pm


Judge's signature

City and state: Phoenix, Arizona

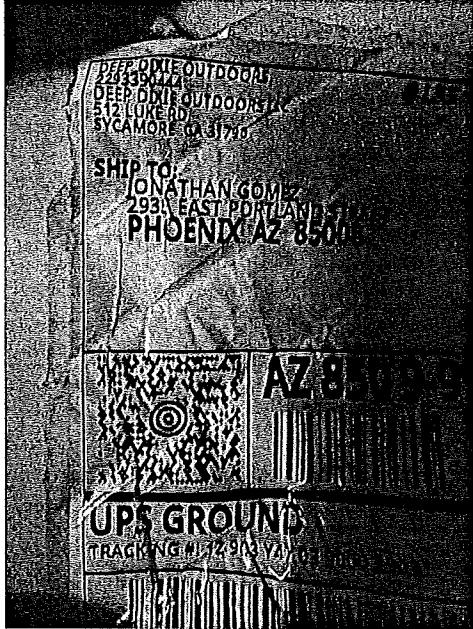
Honorable Michelle H. Burns, U.S. Magistrate Judge
Printed name and title

AO 93 (Rev. 01/09) Search and Seizure Warrant (Page 2)		
RETURN		
Case No.:	Date and Time Warrant Executed:	Copy of warrant and inventory left with:
Inventory Made in the Presence of:		
Inventory of the property taken and name of any person(s) seized:		
CERTIFICATION		
I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.		
Date: _____		
<i>Executing officer's signature</i>		
_____ <i>Printed name and title</i>		

ATTACHMENT A

Things to be searched

Package shipped to Jonathan GOMEZ at 2935 East Portland Street, Phoenix, Arizona, from Deep Dixie Outdoors located in Sycamore, Georgia, bearing UPS tracking number 1Z903Y47039002903, including all items within, affixed to, or delivered with the package.



ATTACHMENT B

Property to be seized

The items to be seized are fruits, evidence, information, contraband, or instrumentalities, in whatever form and however stored, relating to violations of 18 U.S.C. §§ 842(i)(1) and 842(a)(3)(A), as described in the search warrant affidavit, including but not limited to:

1. All known or suspected explosives and explosive materials;
2. Any and all unmixed chemical powders, substances, or liquid chemicals that, when combined, may produce an explosive material (i.e. precursor chemicals), including but not limited to aluminum and titanium powder;
3. Components of explosive devices, including fuses, containers, adhesive materials, and other materials used to manufacture explosive devices;
4. Records related to the purchase, ownership, use, storage, construction, or sale of explosive devices, including but not limited to sales slips, receipts, manuals, ledgers, bank statements, financial account statements, tax records, and other financial documents;
5. Indicia of ownership;
6. Records (recipes, instructions, etc.) related to the chemical formulation of explosive materials and/or explosive devices; and
7. Shipment records, including postage, insurance, and shipping labels.

AO 106 Application for a Search Warrant

UNITED STATES DISTRICT COURT
 for the
 District of Arizona

In the Matter of the Search of
 package bearing United Parcel Service tracking number
 1Z903Y47039002903

Case No. 22-303 MB

ELECTRONICALLY SUBMITTED APPLICATION AND AFFIDAVIT FOR A SEARCH WARRANT

I, Lowell I. Farley, Jr., a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

As further described in Attachment A

located in the District of Arizona, there is now concealed:

As set forth in Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is:

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code/Section</i>	<i>Offense Description</i>
18 U.S.C. § 842(a)(3)(A)	Shipping Explosives Without a License
18 U.S.C. § 842(i)(1)	Shipment of Explosives by Convicted Felon

The application is based on these facts:

See attached Affidavit of Senior Special Agent Lowell I. Farley, Jr.

- Continued on the attached sheet.
- Delayed notice of 30 days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Reviewed by AUSA Christine D. Keller
CHRISTINE KELLER
*Digitally signed by
 CHRISTINE KELLER
 Date: 2022.10.05
 11:40:36 -07'00'*

LOWELL
 FARLEY
Digitally signed by LOWELL
 FARLEY
 Date: 2022.10.05 11:36:08
 -07'00'

Applicant's Signature

Sworn to telephonically.

Date: October 5, 2022

City and state: Phoenix, Arizona

ATF Senior Special Agent Lowell I. Farley, Jr.

Printed name and title

Michelle Burns

Judge's signature

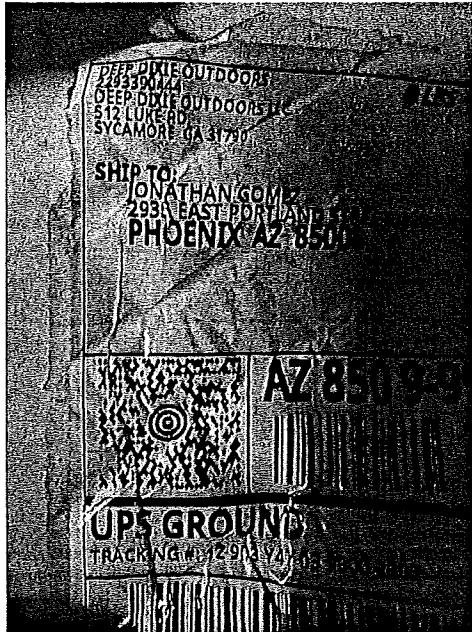
Honorable Michelle H. Burns, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

Things to be searched

Package shipped to Jonathan GOMEZ at 2935 East Portland Street, Phoenix, Arizona, from Deep Dixie Outdoors located in Sycamore, Georgia, bearing UPS tracking number 1Z903Y47039002903, including all items within, affixed to, or delivered with the package.



ATTACHMENT B

Property to be seized

The items to be seized are fruits, evidence, information, contraband, or instrumentalities, in whatever form and however stored, relating to violations of 18 U.S.C. §§ 842(i)(1) and 842(a)(3)(A), as described in the search warrant affidavit, including but not limited to:

1. All known or suspected explosives and explosive materials;
2. Any and all unmixed chemical powders, substances, or liquid chemicals that, when combined, may produce an explosive material (i.e. precursor chemicals), including but not limited to aluminum and titanium powder;
3. Components of explosive devices, including fuses, containers, adhesive materials, and other materials used to manufacture explosive devices;
4. Records related to the purchase, ownership, use, storage, construction, or sale of explosive devices, including but not limited to sales slips, receipts, manuals, ledgers, bank statements, financial account statements, tax records, and other financial documents;
5. Indicia of ownership;
6. Records (recipes, instructions, etc.) related to the chemical formulation of explosive materials and/or explosive devices; and
7. Shipment records, including postage, insurance, and shipping labels.

**ELECTRONICALLY-SUBMITTED AFFIDAVIT IN SUPPORT OF
APPLICATION FOR SEARCH WARRANT**

I, Lowell I. Farley, Jr., having been first duly sworn, hereby depose and state as follows:

1. On September 27, 2022, a federal grand jury indicted Jonathan Gilbert Gomez (“GOMEZ”) on ten felony charges stemming from GOMEZ shipping explosives and/or explosive materials through the mail. GOMEZ was arrested on September 28, 2022, and a federal search warrant executed at his home revealed evidence of the above-referenced crimes, including additional amounts of suspected explosives and/or explosive materials in the form of ignitable powder. This application is to search and seize newly discovered evidence, a shipment of precursor chemicals and titanium delivered on or about September 30, 2022.

AGENT BACKGROUND AND INTRODUCTION

2. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search a United Parcel Service (“UPS”) shipment bearing tracking number 1Z903Y47039002903, addressed to GOMEZ and delivered to 2935 East Portland Street, Phoenix, Arizona, 85008 (“subject residence”), as further described in Attachment A, for the things described in Attachment B.

3. I am a Senior Special Agent (“SSA”) with the Bureau of Alcohol, Tobacco, Firearms & Explosives (“ATF”) and have been since March 2005. I graduated from the Federal Law Enforcement Training Center Criminal Investigator Training Program and am a graduate of the ATF National Academy Special Agent Basic Training program in Glynnco, Georgia. My law enforcement training includes agency-specific training in all aspects of conducting federal criminal investigations, including the planning, preparation, and execution of search warrants. I am currently assigned to the Phoenix Field Division in Phoenix, Arizona. As part of my responsibilities, I conduct investigate possible violations

of federal explosives laws contained within 18 U.S.C. Chapter 40, including those involving explosive materials commonly used in legal and illegal fireworks.

4. I am a law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7) and am thereby authorized to conduct investigations into alleged violations of federal law.

5. The statements contained in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and employees, witnesses, and agencies. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrants and does not set forth all of my knowledge in this matter.

6. Based on my training and experience and the facts as set forth in this affidavit, as well as the grand jury indictment, there is probable cause to believe that violations of 18 U.S.C. § 842(a)(3)(A), Shipping Explosive Materials Without a License, and § 842(i)(1), Shipment of Explosives by a Felon, have been committed by GOMEZ. There is also probable cause to search the item described in Attachments A for evidence, instrumentalities, contraband, or fruits of these crimes as described in Attachment B.

JURISDICTION

7. This Court has jurisdiction to issue the requested warrant because the subject shipment is located within the District of Arizona. Fed. R. Crim. P. 41(b).

PROBABLE CAUSE

8. On September 27, 2022, a federal grand jury indicted Jonathan Gilbert Gomez (“GOMEZ”) on five counts of Shipping Explosive Materials Without a License and five counts of Shipment of Explosives by a Felon. (CR-22-1252-PHX-DWL at Dkt. # 1).

9. The subject charges stem from an investigation into GOMEZ that revealed he was manufacturing, distributing, and/or selling homemade, illegal devices containing

explosives and/or explosive materials (branded as “fireworks”) and shipping them through the mail in violation of federal law. The shipments associated with the charges were seized in other states, and subsequent laboratory analysis of samples from those devices revealed a “perchlorate explosive mixture” containing potassium perchlorate, aluminum, and pieces of titanium.

10. The term “explosive” as used in 18 U.S.C § 842(i)(1) is defined in 18 U.S.C. § 841(d) to include “any chemical compound mixture, or device, the primary or common purpose of which is to function by explosion,” and requires the Attorney General to publish a list in the Federal Register of additional explosives covered by 18 U.S.C. § 841 *et seq.* The 2021 Annual List of Explosive Materials (“Annual List”) became effective on December 23, 2021. 86 FR 72996-01, 2021 WL 6063446 (F.R.). The Annual List includes both “explosives” and “explosive materials,” as 18 U.S.C. § 841(c) includes “explosives” within the definition of “explosive materials.” *Id.* The Annual List includes both “perchlorate explosive mixture” and “flash powder” as explosive materials. A federal license or permit (“FEL/P”) is required to possess and use any of the listed explosive materials, as well as to ship and/or distribute any such explosive. *Id.*; 27 C.F.R. §§ 555.11, 555.41(b)(1)(i).

11. Perchlorate explosive mixtures and/or flash powder are often used in the manufacture of fireworks. Legal fireworks are characterized as either consumer or display fireworks and are classified as such by the Department of Transportation (“DOT”). 49 C.F.R. § 172.101; 27 C.F.R. § 5t55.11. The manufacture of both types of fireworks requires a federal explosives license issued in compliance with the explosives laws. 18 U.S.C. § 843(b)(1)-(7). Consumer fireworks include ground-based devices containing 50 milligrams or less of explosive material or aerial devices containing 130 milligrams or less of explosive material. *Id.* Legal fireworks containing explosive material in excess of those thresholds constitute display fireworks. 27 C.F.R. § 555.11.

12. Convicted felons are prohibited from qualifying for a FEL/P unless they have successfully obtained relief pursuant to 18 U.S.C. §§ 845(b)(1) and (b)(2). 18 U.S.C. §§ 842(i), 843(b)(1). Explosive devices purporting to be fireworks that are manufactured without a FEL/P and have not been classified as consumer or display fireworks by the DOT do not qualify as legal fireworks, but do qualify as regulated explosive materials. 49 C.F.R. § 172.101; 27 C.F.R. § 555.11.

13. On September 26, 2022, United States Magistrate Judge Michael T. Morrissey authorized search warrants for GOMEZ and the subject residence. (Nos. 22-2302MB and 22-3393MB.) On September 28, 2022, federal law enforcement agents from ATF and the Federal Bureau of Investigation executed the search warrants and arrested GOMEZ.

14. In executing the search warrant, law enforcement discovered evidence of the indicted crimes, to include a two-pound bag of potassium perchlorate, a two-pound bag of Indian Blackhead aluminum powder, approximately 78 grams of potassium permanganate, and a 13-pound bucket of suspected flash powder. In my training and experience, as well as consultation with ATF certified explosives specialists, potassium perchlorate and aluminum powder are precursor chemicals used to make perchlorate explosive mixtures and flash powder, and potassium permanganate is an oxidizer used to make flash powder.

15. On September 30, 2022, P.S., the owner of the subject residence and GOMEZ's former romantic partner, contacted me and advised of the subject UPS shipment. P.S. further advised that she opened the subject UPS shipment because she was concerned about the contents and whether it might contain dangerous explosives. P.S. described the subject UPS shipment as containing seven or eight packages of "powder," one of which was labeled as "Indian Blackhead aluminum powder" and another as "Titanium Flakes 440 mesh." P.S. advised that she had seen GOMEZ using these powders

to make some of his devices. P.S. further stated that she did not want the subject UPS shipment in her home and wished to provide them to law enforcement.

16. Based on the foregoing, there is probable cause to believe the subject UPS shipment contains evidence of the indicted crimes. Moreover, as discussed below, such evidence goes to disprove statements made by GOMEZ during his interview.

17. Interviews of some individuals who received the explosives underlying the charges in the indictment claimed they purchased the items from someone associated with one or more Facebook groups or accounts called "Traphouse Pyro" and that payment was made to a Zelle account associated with phone number 602-501-9452. Subpoena compliance received from Zelle revealed that the account associated with telephone number 602-501-9452 was registered to an individual identified as Jonathan GOMEZ.

18. On June 17, 2022, United States Magistrate Judge Michael T. Morrissey authorized a search warrant for four Facebook UserIDs believed to be associated with GOMEZ and/or Traphouse Pyro. (No. 22-3212MB). The compliance received from Facebook contained, among other things, messages between GOMEZ and four of the buyers regarding the purchase, payment, and shipment of their respective packages, as well as photographs of priority mail receipts provided by GOMEZ. Additionally, the compliance contained conversations wherein GOMEZ discusses titanium shipments:

12185	02/07/2022 09:40:57 AM	100070097917951	Traphouse Pyro	What trap cans u talking about?
12186	02/07/2022 09:41:19 AM	100070097917951	Traphouse Pyro	Canister shells or ground salutes
12187	02/07/2022 09:43:14 AM	100003392748853	James Hasten	Well both but I really want them canister shells bad
12188	02/07/2022 09:44:46 AM	100003392748853	James Hasten	I have a shelf of trap products. Love adding to it
12189	02/07/2022 09:44:59 AM	100070097917951	Traphouse Pyro	Give me like 2 weeks and I should have extra. I have a lot of folks on hold for both
12190	02/07/2022 09:45:32 AM	100070097917951	Traphouse Pyro	Just waiting on titanium at the moment

20273	04/07/2022 11:21:54 AM	100070097917951	Traphouse Pyro	I am planning a trip next week to Missouri to see my guy but he always be bullshittin me when I pull up my order all fucked up I usually spend 10 to 40 k each time.
20274	04/07/2022 11:22:32 AM	639653691	D'Mario Bradford	Drop the like boys some stuff on the way lol
20275	04/07/2022 11:22:58 AM	639653691	D'Mario Bradford	I have a guy in atl who will have some big boy stuff but don't know when it'll be in
20276	04/07/2022 11:25:08 AM	100070097917951	Traphouse Pyro	I think I need to do some more travelling out there and expand my horizon I got my titanium in yesterday so finishing up your order this weekend and I'll send out Monday Tuesday for you thanks for being patient with me I u thought

19. I interviewed GOMEZ on September 28, 2022, during which he denied manufacturing fireworks, explosives, and powder. He further denied being associated with Traphouse Pyro or sending Facebook messages to the buyers. As such, the subject UPS shipment containing precursor chemicals and titanium constitute evidence of the charged offenses in that they are relevant to prove that GOMEZ's identity as the user of the subject Facebook accounts, the owner of the chemicals and explosives found in the subject residence, and that GOMEZ shipped the explosives/explosive materials as alleged in the indictment. Moreover, the subject UPS shipment would serve as evidence to disprove GOMEZ's statements to law enforcement.

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CONCLUSION

20. I submit that this affidavit supports probable cause for a warrant to search the subject UPS package, as described in Attachment A, for the things described in Attachment B.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

LOWELL
FARLEY
 Digitally signed by
LOWELL FARLEY
Date: 2022.10.05
11:36:54 -07'00'

Lowell I. Farley, Jr.
Senior Special Agent
Bureau of Alcohol, Tobacco,
Firearms and Explosives

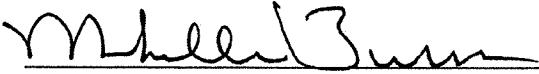
October 5, 2022

Date

SWORN TO AND SUBSCRIBED BEFORE ME on this 5 day of October, 2022.

✓ Sworn by Telephone

Date/Time: 10/5/2022 @ 1pm


HON. MICHELLE H. BURNS
United States Magistrate Judge